

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CATHERINE RUBERY, Derivatively On Behalf
of E*TRADE FINANCIAL CORPORATION,

Plaintiff,

vs.

MITCHELL H. CAPLAN, R. JARRETT
LILIEN, ROBERT J. SIMMONS, GEORGE A.
HAYTER, DARYL BREWSTER, RONALD D.
FISHER, MICHAEL K. PARKS, C.
CATHLEEN RAFFAELI, LEWIS E.
RANDALL, DONNA L. WEAVER and
STEPHEN H. WILLARD

Defendants,

– and –

E*TRADE FINANCIAL CORPORATION, a
Delaware Corporation,
Nominal Defendant.

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No. 07 Civ. 8612 (LBS) ECF Case

ELECTRONICALLY FILED

CORPORATE DISCLOSURE STATEMENT
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 7.1

Pursuant to Federal Rule of Civil Procedure 7.1, the undersigned attorney of record for Nominal Defendant E*TRADE Financial Corporation (“E*Trade”) certifies that there exist no parent companies, subsidiaries, or affiliates of E*Trade that have outstanding securities in the hands of the public except for a single affiliate company, IL&FS Investsmart Limited (India).

Dated: New York, New York
November 13, 2007

DAVIS POLK & WARDWELL

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